

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MALIBU MEDIA, LLC, §
§
Plaintiff, §
§
v. § 5-19-CV-00834-DAE
§
JOHN DOE INFRINGER USING IP §
ADDRESS 70.121.72.191; §
§
Defendant. §
§

**PLAINTIFF'S MOTION TO EXTEND
DEADLINE TO REVIVE CORPORATE STATUS**

Plaintiff/Counter-Defendant, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, moves to extend the deadline to revive its corporate status by a period of sixty (60) days, or through and including September 7, 2021. In support, the Plaintiff states as follows:

1. On March 19, 2021, the Defendant/Counter-Plaintiff filed a Motion (Doc. No. 79) to amend his pleading to assert new claims and defenses based on the suspension of the Plaintiff's corporate standing by the California Franchise Tax Board (“FTB”).
2. On May 7, 2021, the Court entered an Order (Doc. No. 84) denying the Motion and affording the Plaintiff a period of 60 days to revive its corporate statute with the FTB.
3. Subsequent to the entry of the Order, the Plaintiff has worked diligently with its outside accounting firm to revive its corporate status with the FTB. To that end, the Plaintiff has (i) engaged in written and oral correspondence with the FTB agent assigned to the file, (ii) obtained a preliminary determination of the actions the FTB requires to be taken to revive its corporate status, and (iii) begun the process of taking the corrective and/or responsive action needed to revive

its corporate standing with the FTB. At present, the Plaintiff's outside accounting firm is in the process of preparing the necessary returns for filing with the FTB and, once those returns have been filed and the outstanding assessments paid, the FTB has informed the Plaintiff that it will be eligible to petition for revivor with the California Secretary of State. Notwithstanding these diligent efforts, the Plaintiff needs additional time to prepare and file the necessary tax returns.

4. Federal Rule of Civil Procedure 6(b)(1) states that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice of the court acts, or if a request is made, before the original time or its extension expires.” Fed. R. Civ. P. 6(b). Here, good cause exists for the requested extension, as the Plaintiff requires additional time to take the corrective action necessary to revive its corporate status with the FTB. Importantly, the Plaintiff worked diligently to revive its corporate status within the initial period prescribed in the Order, and the relief requested in this motion is submitted in good faith and not for purposes of delay. Consequently, the Plaintiff requests that the Court provide the Plaintiff with a sixty (60) day extension during which to take the remaining actions necessary to revive its corporate status with the FTB.

WHEREFORE, Plaintiff respectfully requests the Court (1) provide the Plaintiff with a sixty (60) day extension during which to take the remaining actions necessary to revive its corporate status with the FTB, and (2) grant the parties such additional relief as is just and proper.

Dated: July 6, 2021

Respectfully submitted,

By: /s/ Paul S. Beik
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CERTIFICATE OF CONFERENCE

I hereby certify that on July 6, 2021, I conferred with opposing counsel, JT Morris, regarding the relief requested in this motion. The motion is opposed.

By: /s/ Paul S. Beik
Paul S. Beik

CERTIFICATE OF SERVICE

I hereby certify that July 6, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul S. Beik
Paul S. Beik